

**November 2, 1998**

**DURHAM, NORTH CAROLINA  
MONDAY, NOVEMBER 2, 1998  
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, Deputy City Clerk D. Ann Gray and Records Management Coordinator Laverne Brooks.

Mayor Tennyson called the meeting to order and at this time, Dick Hails of the City/County Planning Department informed the council that the applicant and residents were requesting that the public hearing for the Northgate Rezoning be continued until the December 7, 1998 City Council Meeting.

Mayor Pro Tempore Clement informed his colleagues and the audience that he is in support of the Patterson Place Rezoning which came before the Council at its October 19, 1998 meeting. He stated he was in favor of the original motion which called for the endorsement of the Patterson Place proposal as approved by the Planning and Zoning Commission; however, the original motion was never acted upon due to the passage of the substitute motion.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. **[No priority items]**

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Attorney Joe Marion requested that Consent Item 8 [Tidewater Contract] be pulled. It was noted by the Mayor of the revised motion relative to Consent Item 7 [Durham Southwest Area Transportation Study] printed on the revisions to the agenda.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: POLICE DEPARTMENT'S QUARTERLY STATUS REPORT AND THE CITY OF DURHAM'S SEVEN POINT CRIME REDUCTION INITIATIVE QUARTERLY REPORT**

**November 2, 1998**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive the combined Police Department Department's Quarterly Status Report and the City of Durham's Seven Point Crime Reduction Initiative Quarterly Report as the official report for the 3rd Quarter of Calendar Year 1998 was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: U. S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE ASSISTANCE DOMESTIC VIOLENCE AGAINST WOMEN ACT**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the U. S. Department of Justice, Office of Justice Assistance grant award in the amount of \$868,323 under the Violence Against Women Act; and

To adopt the City of Durham, North Carolina and the U.S. Department of Justice, Office of Violence Against Women "Grants to Encourage Arrest Policies" Grant Project Ordinance; and

To authorize the expenditure of up to \$28,000 to purchase two used vehicles to be used by additional Police Department Domestic Violence Unit personnel provided by this grant was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11593**

**SUBJECT: NORTH CAROLINA GOVERNOR'S CRIME COMMISSION - HISPANIC OUTREACH INTERVENTION TEAM (HOIST) GRANT PROJECT ORDINANCE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a revised "City of Durham and North Carolina Department of Crime Control and Public Safety/Governor's Crime Commission Grant Project Ordinance" for second year funding of HOIST was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11594**

**November 2, 1998**

**SUBJECT: U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, 1997 LOCAL LAW ENFORCEMENT BLOCK GRANT PROJECT ORDINANCE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a revised City of Durham and U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance "Local Law Enforcement Block Grant" Project Ordinance to correct error in amount of local matching funds was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11595**

**SUBJECT: CONTRACT WITH DOWNTOWN DURHAM, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Downtown Durham, Inc. in the amount of \$107,229 for programs to aid in the revitalization of the Downtown area (Municipal Agreement Number 99-51) for Fiscal Year 1998-99 was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: RISK MANAGEMENT MATTERS**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning Risk Management matters was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: DURHAM SOUTHWEST AREA TRANSPORTATION STUDY**

**MOTION** by Council Member Larson seconded by Council Member Miller to refer the *Durham Southwest Area Transportation Study* to the Administration:

- (1) for further analysis;
- (2) to address the issues in the context of the development of the Capital Improvement Program (CIP) and the Transportation

**November 2, 1998**

Improvement Program (TIP) and a comprehensive transportation plan for the Metropolitan Planning Organization (MPO);

- (3) to develop a transportation improvement strategy for coping with transportation growth anticipated in Southwest Durham over the next five to ten years; and

To refer the *Durham Southwest Area Transportation Study* to the Durham Chapel Hill-Carrboro Transportation Advisory Committee (TAC) for informational purposes was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SINGLE-FAMILY DWELLING SOIL TESTING AND CONCRETE TESTING RECOMMENDATION (FOLLOW-UP REPORT TO CONSTRUCTION CONCERNS OF RESIDENTS AND HOMEOWNERS OF FORESTWOOD SUBDIVISION)**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive and accept the attached report from the City-County Inspections Department; and, to approve the following recommended options:

- (1) to prepare a request to the North Carolina State Building Code Council to reinstate the requirements for welded wire fabric, expansion joints, and crack control joints in concrete slabs; and
- (2) to require soil testing by a registered professional engineer on all residential sites that involve fill material--with hand auger testing to depths below the base of the footing equivalent to twice the width of the footing was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Staff to move expeditiously and make status reports to Council.

(**Note:** Status report regarding concrete testing to come back to Public Works Committee at its January 11, 1999 meeting.)

**SUBJECT: CONTRACT FOR TRAINING AND JOB PLACEMENT SERVICES FOR THE OLDER WORKER - EMPLOYMENT SECURITY COMMISSION**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract in the amount

**November 2, 1998**

of \$20,803 with the Employment Security Commission for employment and training services to persons 55 and older was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED LEASE AGREEMENT BETWEEN WELLINGTON PLACE AND THE CITY OF DURHAM FOR A SUPPLEMENTAL POLICE SUBSTATION IN DISTRICT #3**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute the "Lease between Wellington Place and City of Durham for Durham Police Department District #3" was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: AMENDMENT #2 TO LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND SCARBOROUGH NURSERY, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute "Amendment #2 to Lease Agreement between the City of Durham and Scarborough Nursery School, Inc." to extend the lease term for an additional two years was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: FEDERAL AND STATE OPERATING ASSISTANCE GRANT APPLICATIONS**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a "Resolution to Approve a Federal Transit Administration Program of Projects for the City of Durham, North Carolina"; and

To adopt an Authorizing Resolution for the Filing of a Grant Application and Execution of a Grant Agreement for Section 5307 Funding with the Federal Transit Administration; and

To adopt an Authorizing Resolution for the City of Durham and North Carolina Department of Transportation Section 5307 Planning Grant was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

November 2, 1998

Resolution #8505  
Resolution #8506  
Resolution #8507

**SUBJECT: REASSIGNMENT OF HOME FUNDING FROM HAYTI DEVELOPMENT CORPORATION TO COMMUNITY BUILDERS OF DURHAM, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Loan Agreement, Builders Participation Agreement and related documents with Community Builders of Durham, Inc. in an amount of up to \$129,750 from HOME funds as acquisition/ construction financing followed by permanent second mortgage financing, and \$43,250 of HOME CHDO Operating Grants, and to make minor changes to the Loan Agreement and other documents as are consistent with the loan terms and the HOME Program requirements approved by City Council; and

To determine that mortgage loans for this homeownership project are not otherwise available, wholly or in part, from public or private lenders upon equivalent or reasonably equivalent terms and conditions was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: HABITAT LANE - SUBRECIPIENT GRANT AGREEMENT WITH DURHAM COUNTY HABITAT FOR HUMANITY, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Subrecipient Grant Agreement with Durham County Habitat for Humanity, Inc. in an amount not to exceed \$226,000 from Community Development Block Grant funds, and to make minor changes to the Grant Agreement as are consistent with this approval, for the construction of infrastructure improvements for Habitat Lane was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REPROGRAMMING**

**MOTION** by Council Member Larson seconded by Council Member Miller to set a public hearing on Monday, November 16, 1998 to receive citizens' comments on the proposed reallocation of CDBG funds was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth,

**November 2, 1998**

Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING (SC98-9) - TRAIL 23**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution declaring the intent of the City Council 1) to consider permanently closing a 5,438± square foot portion of Trail 23 and 2) setting a public hearing on Monday, November 16, 1998 to consider closing a 5,438± square foot portion of Trail 23 was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8508**

**SUBJECT: STATUS REPORT ON YEAR 2000 PROJECT**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the Year 2000 Project was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STOP SIGN - COLE POND DRIVE (COLE POND SUBDIVISION)**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Cole Pond Drive (Private Street) at East Oak Drive, southwest corner was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11596**

**SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the official minutes of the regular October 5, 1998 City Council Meeting was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**November 2, 1998**

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: SECOND TOWER PROJECT**

To receive citizens' comments on the proposed second tower project, an apartment complex for senior citizens, to be located on top of the Durham Centre Plaza.

Assistant City Manager John Pedersen gave a presentation on the proposed Second Tower Project outlining the following:

1. Private Component - Construction of 2nd Tower on Durham Centre Plaza
2. Public Component - Improvements to Durham Centre Parking Deck - \$4.0m
3. Senior Living Centre - Description
4. Proposed "63-20" Financing
5. Conditions of "63-20" Financing
6. Proposed City Participation
7. City Benefits
8. Financial Impact
9. Risks - Efforts to Mitigate
10. Other Key Business Points
11. Remaining Tasks

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

The following citizens spoke in support of the proposed project: Bill Kalkhof; Joel Kostyu; Joan Pellettier; and Lionel Stewart.

The Mayor asked if there were other individuals present wanting to speak. The public hearing was closed by Mayor Tennyson.

City Manager Ewell requested that the public hearing be continued until the November 16, 1998 City Council Meeting. He stated that this would allow staff to continue to work with the developer to strengthen the development agreement to make sure it protects the city's investment and give staff an opportunity to strengthen any language to protect the city's \$2.5 million investment in improvements. Also, City Manager Ewell noted that an updated feasibility study has been received by the developer and the staff needed to review same.

**MOTION** by Council Member Larson seconded by Council Member Miller to reopen the public hearing was approved at 8:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard,



**November 2, 1998**

Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Council Member McKissick asked the administration to review all the details that are available to make certain there is demand to assure that this project is successful. Council Member McKissick asked the administration to submit information regarding the physical improvements and how the debt service component would be financed. Also, Mr. McKissick asked the staff to make contact with the State of North Carolina to see why they have implemented new legislation that would require projects as being proposed to be pre-approved before the bonds are sold.

Council Member Cox asked the administration to make certain the performance bond was sufficient to protect the city. Also, he asked the administration to review staggered developer fees.

Mayor Tennyson stated the question being proposed to the council was "is senior housing needed in Durham?"

**MOTION** by Council Member Larson seconded by Council Member Miller to continue the public hearing to the November 16, 1998 City Council Meeting was approved at 8:26 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING (SC98-4) - SLATER ROAD**

To receive citizens' comments on the proposed closing of a 2.3± acre portion of Slater Road from NC Highway 54 east 1,676± linear feet.

To adopt an "Order Permanently Closing 2.3± Acres of Slater Road" from NC Highway 54 east 1,676± linear feet.

Vonda Frantz, of the City/County Planning Department, stated the staff recommended closing a portion of Slater Road with the following condition by the applicant: "that a dedication plat for new Slater Road and Hopson Road right-of-way be recorded."

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Ed Sconfienfu raised concern with the condition being recommended by staff. He noted this condition was not what they agreed to.

Ronald Rogers asked the council to continue the public hearing for two weeks to allow them to resolve the issue being recommended by

**November 2, 1998**

the staff.

**MOTION** by Council Member Larson seconded by Council Member Miller to continue the public hearing to the November 16, 1998 City Council Meeting was approved at 8:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P98-10, NORTHGATE ASSOCIATES, CLUB BOULEVARD, NORTH DUKE STREET, GREGSON STREET AND I-85 ACCESS**

Case: P98-10

Applicant: Northgate Associates [continued from the September 21, 1998 City Council Meeting]

Location: The 7.65 acre site is located within the block bounded by Club Boulevard, North Duke Street, Gregson Street and I-85 access (Tax Map 70, Block 1, Lots 2A, 3, 4, 5, 11, 12, 13, 14, 15, 16 and 17)

Request: Rezoning from SC (Shopping Center District), R-3 (Residential 3 District), and R-8 (Residential 8 District) to GC(D) (General Commercial District with a Development Plan) and NC(D) (Neighborhood Commercial with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by taking the above described property out of SC, R-3 and R-8 and placing same in and establishing same as GC(D) and NC(D).

Zoning Committee's Recommendation and Vote: 7-0

City Manager's Recommendation: Approval

**Note: Valid protest petition filed against this rezoning matter.**

Dick Hails, of the City/County Planning Department, stated the applicant and residents requested that this matter be continued to the December 7, 1998 City Council Meeting.

**MOTION** by Council Member McKissick seconded by Council Member Miller to continue the public hearing to the December 7, 1998 City Council Meeting without further advertising was approved at 8:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**November 2, 1998**

**[OTHER MATTERS]**

**SUBJECT: RECOMMENDED CHANGES TO CITY COUNCIL PROCEDURES**

To receive a report from the City Council Procedures Subcommittee and to approve the recommended changes.

A motion was made by Council Member Blyth to receive a report from the City Council Procedures Subcommittee and to approve the recommended changes with the exception of items 2, 3, and 7 which refer to the Sister Cities Program; and

To further review the objectives and policy issues related to Council's retreat scheduled for early winter, 1999, and to request the City Manager and staff to prepare information for Council's review at the retreat including information on how other City Councils participate in the Sister Cities Program as well as recommended goals, objectives, funding, and criteria for Council Member participation in their trips to Sister Cities as well as their role in the official reception of the various Sister City visiting delegations and, as a result of this review process, to revise a specific policy relating to Council's participation in the Sister Cities Program. This motion was seconded by Council Member Brown.

**SUBSTITUTE MOTION** by Council Member Larson seconded by Council Member Cox to receive a report from the City Council Procedures Subcommittee and to approve the recommended changes as outlined below including the following Sister Cities Program items was approved at 9:07 p.m. by the following vote: Ayes: Council Members Burnette, Cox, Engelhard, Griffin, Langely, Larson and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Jacobs and McKissick. Absent: None.

1. That Section 1 of the Travel Policy be amended to add the following provision: "Accommodations for individual(s) who have disabilities shall be included in making travel arrangements. Contact with the individual(s) to insure what accommodations are needed should be made before travel arrangements are finalized."
2. That Rule II.C(1) of the City Council Procedures be amended by adding a new Subsection C to provide: "Members of the City Council may cast a negative vote for one or more matters appearing on the Consent Agenda without removing the matter from the Consent Agenda, provided that the members do not request additional discussion on the matter", and by making a conforming change to subsection (b) of that section.
3. On the matter of Council Members individually adding items to

**November 2, 1998**

Committee Agendas, that the following should be added after the first sentence of Rule IV-H(3)(b) of the City Council Procedures: "Prior to placing the item on the Committee Agenda, the Council Member will contact the City Manager or the designee of the City Manager to provide the City Administration with an opportunity to resolve the matter administratively. If the matter can be resolved administratively, the Manager or designee will notify the Council Member in writing of the resolution. If the matter cannot be resolved to the Council Member's satisfaction, the Council Member may then place the matter on the Committee Agenda."

4. That Rule IV.H(3)(a) of the City Council Procedures be amended by adding the following at the end of the subsection: "A matter that initially appears on the agenda as a citizen's matter and is then referred by the committee to the City administration with a direction to report back to the committee, shall be listed in the citizens' matters section of the agenda when it comes back to the committee."
5. That the applicant pool of Boards, Committees and Commissions be eliminated, with individuals now in the pool to be notified by the City Clerk of the change in policy. To implement this change, Section 6 of the Rules of Procedures of the City Council for appointments to Boards, Committees and Commissions should be deleted, and the words "pool of" in Section 4 of the policy should also be deleted.

**SISTER CITIES - (The guidelines are as follows)**

1. Any Council Member who chooses to make a visit to a Sister City must agree to undertake the responsibilities necessary to make the public investment justifiable. By this, before any visit, each Council Member should spend time preparing by studying the culture and language of the Sister City, should work closely with the Sister City Committee on plans and arrangements for the visit, should spend the time of the visit in useful and productive ways considering the purpose of the journey, and finally, should be committed to spending a lot of time after the visit meeting and sharing the insights of the experience and working to build stronger bonds between Durham and the Sister City. This means hours of serious work beyond Council duties including:
  - a) study the City's history, culture, customs and language;
  - b) study and learn the governmental structure of that City, the names and titles of its major elected and appointed officials and gather information about the major concerns and challenges facing the Sister City's government;

**November 2, 1998**

- c) become an active member of the local Sister City Committee which is responsible for our joint efforts with that particular City and take an active role following a visit to the Sister City in sharing information and experiences at community and governmental forms; and
  - d) be available to help host visiting delegations from that City.
2. Each Council Member shall be able to make one "official" visit to a Sister City every three (3) years with the financial support of City government, and this would be considered a major part of our investment in the Sister Cities Program. At his or her own personal expense, each Council Member could make additional visit, if they desire.
  3. That Section IV. (4) of the Travel Policy be amended to add the following provision: "For Sister Cities trips, the \$45.00 per day maximum reimbursement for meals shall be adjusted by factors such as the applicable currency exchange rate or cost of living to reflect the equivalent cost of meals in the Sister City being visited. The city administration shall perform this calculation prior to the Sister City trip."
  4. No more than four (4) City Council Members should go on any one "official" visit to a Sister City during a three year period.
  5. If there are more than four (4) Council Members who would like to be a part of the official visit to a particular Sister City, then the selection of Council Members should be made on the basis of seniority or total length of service on the City Council.
  6. No Council Member shall visit a Sister City during the annual budget hearings of the City Council's Finance Committee.
  7. Council Members wishing to visit a Sister City more than once in three (3) years at the expense of the City (the Council Member's travel budget), must get the approval of the City Council first.

**[ITEM PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: RECYLING SERVICES CONTRACT WITH TIDEWATER FIBRE CORPORATION**

Attorney Joe Marion, representing Brent Lockwood, stated if the council approved the contract with Tidewater Fibre his client Mr.

**November 2, 1998**

Lockwood would be left with no lease and no tenant to lease the building. Attorney Marion stated he felt there was a legitimate interest for council to consider referring the contract between Tidewater and Sunshares back to the administration for the possibility of some additional negotiations with regard to his client.

Mike Calhoun, representing Sunshares, noted they have kept Mr. Lockwood informed of this issue. He noted Tidewater would continue using this facility through the end of January and Mr. Lockwood will have four months notice and the rent will be paid in full. Also, he noted Sunshares has obtained from Tidewater the money to pay a month and one-half of liquidated damages including the guaranteed rent through the end of January.

Attorney James Williams stated even though Tidewater has no legal responsibility relative to this issue, Tidewater has tried the best they could to help Mr. Lockwood liquidate his damages. Also, Attorney Williams noted that the space in question was not built for Sunshares.

A motion was made by Council Member Miller to approve the item as printed on the agenda. This motion was seconded by Mayor Pro Tempore Clement.

Due to the early termination of the lease agreement between Sunshares and Mr. Lockwood, unpaid rent would total approximately \$50,000. Also, it was noted that no provisions in the lease address early termination.

City Attorney Blinder noted that the City was not a party of the lease between Sunshares and the landlord and the City had no authority to require changes to a private lease that was not for the city's benefit.

**SUBSTITUTE MOTION** by Council Member Burnette seconded by Council Member McKissick to approve the item as printed on the agenda; and to increase the City's allocation by approximately \$16,000 with the understanding that the funds would be used to compensate Mr. Brent Lockwood **FAILED** at 9:41 p.m. by the following vote: Ayes: Council Members Burnette and McKissick. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Absent: None.

**MOTION** by Council Member Miller seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with Tidewater Fibre Corporation for the provision of recycling services, with such contract to take effect February 1, 1999; and, to authorize the City Manager to make changes to the language in the contract, so long as the price paid by the City is not

**November 2, 1998**

increased and the obligations of Tidewater Fibre Corporation under the contract are not decreased; and

To authorize the City Manager to consent to the assignment by SunShares to Tidewater Fibre Corporation of the contract for recycling services currently in effect between the City and SunShares; and

To authorize the City Manager to terminate the City's current contract with SunShares for recycling services was approved at 9:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 9:44 p.m.

D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk